

USDOL/OALJ Reporter

[*DeFord v. Tennessee Valley Authority*](#), 90-ERA-60 (Sec'y Jan. 13, 1993)

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U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

DATE: January 13, 1993
CASE NO. 90-ERA-60

IN THE MATTER OF

WILLIAM DAN DeFORD, COMPLAINANT,

v.

TENNESSEE VALLEY AUTHORITY, RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

FINAL ORDER APPROVING SETTLEMENT
AND REMANDING CASE FOR DETERMINATION
AS TO ATTORNEY FEES AND EXPENSES

Before me for review is the Recommended Decision and order (R.D. and O.) of the Administrative Law Judge (ALJ) in this case arising under section 210 of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. § 5851 (1988). Subsequent to the issuance of the R.D. and O., the parties submitted a Memorandum of Understanding and Agreement, dated November 23, 1992, in which Complainant agreed to a settlement of his complaint against Respondent and a dismissal with prejudice of all claims except the pending claim for attorney fees and expenses.

The agreement appears to encompass the settlement of matters arising under various laws, only one which is the ERA. For the reasons set forth in Poulos v. Ambassador Fuel Oil Co., Case No. 86-CAA-1, Sec. Ord., Nov. 2, 1987, slip op. at 2, I have limited my review of the agreement to determining whether its terms are a fair, adequate and reasonable settlement of Complainant's allegation that Respondent Tennessee Valley Authority violated the ERA. 42 U.S.C. § 5851(b)(2)(A).

Upon review of the terms of the agreement and the record in this case, I find that the agreement is fair, adequate and reasonable, and therefore, I approve the agreement and

accompanying Memorandum of Understanding. Accordingly, the complaint in this case is DISMISSED with prejudice. The case is remanded to the Office of Administrative Law

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Judges for further proceedings, as necessary, to resolve the outstanding claim for attorney fees and expenses.

SO ORDERED.

LYNN MARTIN
Secretary of Labor

Washington, D.C.